

Remarks

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-4, 6, 8, 11-15, and 17-20 have been amended. Claim 21 was previously cancelled. No new claims have been added. No new matter has been added. Accordingly, Claims 1-20 (20 claims) will be pending in the present application upon entry of this Reply and Amendment.

A detailed listing of all the claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

In the December 27, 2006 Office Action, Claims 1-16, and 18-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Haseltine et al. (US Patent No. 6,578,015) ("Haseltine").

In the December 27, 2006 Office Action, the Examiner also rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over Haseltine in view of Kamen et al. (US Patent No. 6,421,067) ("Kamen").

In the December 4, 2008 Decision on Appeal, the Examiner's rejections of Claims 1-16 and 18-20 under 35 U.S.C. §102(e) as anticipated by Haseltine is sustained. Also in the December 4, 2008 Decision on Appeal, the rejection of Claim 17 under 35 U.S.C. §103(a) as unpatentable over Haseltine and Kamen is sustained.

In the Decision on Appeal, the Board indicated that with respect to the *Report Processor* of independent Claim 1 of the present application it is disclosed in Haseltine as stating

but having data for billers and biller status in Haseltine's system in the capacity to generate reports, Haseltine's system would be capable of allowing those described reports to access such data. **There is no limitation on the manner in which such access is allowed;** presence of the required data and the capacity to generate reports based on that data is

sufficient to permit such access. (Decision on Appeal, pgs. 11-12, emphasis added)

The Board went on to indicate that with respect to the "*Portal Interface Element and Plural Visual Interfaces*" required of independent Claim 1 of the present application that that limitation requires a portal interface element capable of supporting a plurality of visual interfaces, each associated with a different web portal or bill presentment and payment website ... " however, the Board stated **"there is no limitation regarding the manner of support. The Appellant argues there is no description of a portal interface element or a different visual interfaces. Visual interfaces per se are not recited as part of the claim structure, only support for them."** (Decision on Appeal, pg. 12)

The Board further comments with respect to several other claims of the present application.

With regard to Claim 4, the Board states on pg. 13 that "Claim 4 only requires capacity for a third-party verifier, not the actual use of a third party."

With regard to Claim 6 of the present application, the Board states "Claim 6 requires only the capacity to employ XML transmissions, not the actual transmission of XML." With respect to Claim 7, the Examiner states "as we found with Claim 4 supra, Haseltine has the capacity for using such a third-party credit verifier. The third party is not part of the claim system. Rather Claim 7 requires the preclusion from continuing into the system absent the claimed interactive session, which Haseltine's system access logic provides."

With respect to Claims 11 and 12, the Board states "Haseltine allows customers to dispute bills by sending a message to a customer service representative. The biller of the disputed bill may then log onto the system and take appropriate action. A customer service rep is associated with the biller. A message is adapted to allow any inquiry,

including a status inquiry. A claim only requires the capacity for such an inquiry. We find that Haseltine thus describes such a capacity."

The Board further stated that the Appellant's response to the rejection of Claim 17 under 35 U.S.C. §103(a) by attacking the references separately, even though the rejection is based on the combined teachings of the references does not establish non-obviousness. Accordingly, the Board held that the Appellant has not sustained its burden of showing that the Examiner erred in rejecting Claim 17 under 35 U.S.C. §103(a) as unpatentable over Haseltine and Kamen.

Response to Examiner's Rejections and Comments by the Board

Review of the comments by the Board, the Applicant has amended independent Claim 1 and Claims 2-4, and 6 which depend from independent Claim 1. Applicant has also amended independent Claim 8 as well as Claims 11-15, and 17-20 which depend from independent Claim 8.

Amendments to Claims

The amendments to independent Claims 1 and 8 are discussed under the 35 U.S.C. §102 section. The amendments to several dependent claims are discussed below.

Applicant, in response to comments by the Board, has amended several of the dependent claims.

Claims 2 and 3 are amended to delete the phrase "capable of communicating" and substituted the phrase "configured to communicate." Support can be found at least on pg. 8, lines 26-31 of the Specification as originally filed.

Claim 4 is amended to delete the phrase "is adapted to utilize" and substitute the word "uses" after "bill security element." Support can be found at least on pg. 8, lines 3-5.

Claim 6 is amended to delete the phrase "is adapted to employ" and substitute the word "uses" in front of "XML." Support can be found at least on pg. 7, lines 8-12 of the Specification as originally filed.

Claim 11 is amended to delete the phrase "bill report processor is adapted to allow said consumer to use" and substitute the phrase "consumer uses the bill report processor with." Support can be found at least on pg. 10, lines 3-24, pg. 11, lines 6-16, and pg. 12, lines 15-20 and associated Figures in the Specification as originally filed.

Claim 12 is amended to delete the phrase "is adapted to allow said system to establish" and substitute the word "establishes" after the phrase "bill data processor." Support can be found at least on pg. 10, lines 3-24, pg. 11, lines 6-16, and pg. 12, lines 15-20 and associated Figures in the Specification as originally filed.

Claims 13, 14, 15, 18, 19, and 20 are amended to delete the phrase "adapted to allow" and substitute the phrase "configured for." Such amendment clarifies and positively claims the structure of the "bill payment processor" and "bill report processor," and "portal interface element" and positively claims such structure in the respective claims.

Claim 17 is amended to delete the phrase "adapted to allow" and substitute the phrase "configured for." Such amendment clarifies and positively claims the structure of the "portal interface element." Support can be found at least on pg. 12, lines 1-14 and associated Figure of the Specification as originally filed.

Claim Rejections - 35 U.S.C. §102

Claim 1

Claim 1 of the present application is in independent form and recites an "electronic bill presentment and payment system" comprising, in combination with other elements, "a bill data processor coupled to said database, said bill data processor configured to convert data received from said plurality of billers into a format compatible with said

database," "a bill report processor coupled to said database, said bill report processor configured to allow, after authentication of a merchant identification number, at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database," and "a portal interface element coupled to said database, said portal interface element configured to access a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being associated with a web portal or bill presentment and payment website different from other of said visual interfaces, each of said visual interfaces configured to allow a consumer to review and pay said consumer's bills and thereby change information in said database only if said consumer has been authorized to access said database by a credit verifier." Claims 2-7 depend from independent Claim 1.

Applicant submits that the amendments to independent Claim 1 can be found at least on pg. 8, lines 3-5, pg. 14, lines 2-9, and pg. 14, lines 12-19 of the Specification as originally filed.

Haseltine does not disclose, "an electronic bill presentment and payment systems" comprising, in combination with other elements:

"a bill data processor coupled to said database, said bill data processor configured to convert data received from said plurality of billers into a format compatible with said database,"

"a bill report processor coupled to said database, said bill report processor configured to allow, after authentication of a merchant identification number, at least some of said plurality of billers to review and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database," and

"a portal interface element coupled to said database, said portal interface element configured to access a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being associated

with a web portal or bill presentment and payment website different from other of said visual interfaces, each of said visual interfaces configured to allow a consumer to review and pay said consumer's bills and thereby change information in said database only if said consumer has been authorized to access said database by a credit verifier" as recited in independent Claim 1.

The rejection of Claim 1 over Haseltine is improper. Claim 1 is patentable over Haseltine.

Claim 8

Claim 8 of the present application is in independent form and recites "an electronic billing presentment and payment system" comprising, in combination with other elements, "a bill data processor coupled to said database, said bill data processor configured to convert data received from said plurality of billers and to format compatible with said database," "a bill report processor coupled to said database, said bill data processor configured to allow, after authentication of a merchant identification number, at least some of said plurality of billers to receive and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database," "a bill payment processor configured to communicate with a plurality of financial institutions in order to couple said financial institutions to said database in order to facilitate payment of bills," and "a portal interface element coupled to said database, said portal interface element configured to allow access to a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being associated with a different web portal or bill presentment and payment website from other of said visual interfaces," "wherein said portal interface element is adapted to prompt said consumer, via said visual interface, for logon information ... , whereupon if authorization from said credit verifier is received from said credit verifier, said portal interface element is adapted to allow said consumer to access

information in said database in order to pay bills." Claims 9-20 depend from independent Claim 8.

Support for the amendment to independent Claim 8 can be found at least on pg. 8, lines 3-5, pg. 14, lines 2-9, and pg. 14, lines 12-19 of the Specification as originally filed.

Haseltine does not disclose "an electronic billing presentment and payment system" comprising, in combination with other elements:

"a bill data processor coupled to said database, said bill data processor configured to convert data received from said plurality of billers and to format compatible with said database,"

"a bill report processor coupled to said database, said bill data processor configured to allow, after authentication of a merchant identification number, at least some of said plurality of billers to receive and obtain reports in real time from data relating to said billers and the status of said biller's bills stored in said database,"

"a bill payment processor configured to communicate with a plurality of financial institutions in order to couple said financial institutions to said database in order to facilitate payment of bills," and "a portal interface element coupled to said database, said portal interface element configured to allow access to a plurality of visual interfaces each associated with a different web portal or bill presentment and payment website, each visual interface being associated with a different web portal or bill presentment and payment website from other of said visual interfaces," "wherein said portal interface element is adapted to prompt said consumer, via said visual interface, for login information ... , whereupon if authorization from said credit verifier is received from said credit verifier, said portal interface element is adapted to allow said consumer to access information in said database in order to pay bills" as recited in independent Claim 8.

The rejection of Claim 8 over Haseltine is improper. Claim 8 is patentable over Haseltine.

Applicant submits that Haseltine et al. discloses a biller-centric service provider which is stated to be applicable to consolidators, but in fact is little more than a bill service provider (BSP) for multiple billers. Haseltine et al. receives bills directly from billers. (See col. 4, lines 52-57). In the biller-centric approach of Haseltine et al., bills from multiple billers are delivered to a service provider having a single website, to be presented to the customers of the billers being serviced in a manner which preserved the "look and feel" of the biller's paper bills. (see col. 5, lines 7-25). (Applicant believes that this is the essence of the Haseltine et al. invention). The Examiner has mischaracterized Haseltine et al. as being a "bot" to provide additional biller data (402), which is absolutely incorrect. Haseltine et al. obtains its billing information only from billers which it services and is completely biller-centered. The Examiner has also mischaracterized Haseltine et al. in stating "there is also provided second display data from a plurality of second website," when in fact in the cited passage Haseltine allows merely storing bill appearance templates in its own system rather than accessing another website. (see at least col. 3, lines 3-18, and col. 5, lines 37-58). Accordingly, Haseltine does not teach or suggest that what is disclosed and claimed in the present application.

Dependent Claims 2-7 which depend from independent Claim 1, and Claims 9-20 which depend from independent Claim 8 are also patentable. See 35 U.S.C. §112, para. 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 1-16 and 18-20 under 35 U.S.C. §102(e).

Claim Rejections - 35 U.S.C. §103

The Examiner has rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over Haseltine in view of Kamen. Applicant notes that Claim 17 depends from independent Claim 8. Applicant reiterates his comments with respect to independent Claims 1 and 8 herein as if fully set forth. Since Applicant believes that

independent Claim 8 is patentable over Haseltine, Applicant submits that dependent Claim 17 which depends from independent Claim 8 is also patentable. See 35 U.S.C. §112, para. 4.

The Applicant respectfully requests withdrawal of the rejection of Claim 17 under 35 U.S.C. §103(a).

* * *

It is submitted that each outstanding objection and rejection to the application has been overcome, and that the application is in condition for allowance. The Applicant requests consideration and allowance of all pending claims (Claims 1-20).

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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